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January 29, 2010

Magistrate Judge Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Hartmann v. County of Nassau
Docket No.: 04 CV 1784 (ILG) (CLP)

Your Honor:

I represent the plaintiff in the referenced action.

We are surprised that defense trial counsel will not accept an immediate voluntary discontinuance as to his client, Michael Knatz. This discontinuance would provide Mr. Swenson's client, Mr. Knatz, with the relief of being released of any and all exposure to liability.

In response to the concern that counsel would be deprived of the assistance of Mr. Knatz at trial, the plaintiff has no objection to Mr. Knatz assisting and providing input to defense counsel or him sitting at counsel table. Even more importantly, the immediate discontinuance of claims against Mr. Knatz would not prejudice him—it provides him with the ultimate relief of being released from any liability. Being released cannot be deemed in any way prejudicial. The position stated in defense counsel's letter dated January 29, 2010, raises serious issues for the defendants and counsel under 22 NYCRR 1200, Rule 1.7.

Respectfully,

Daniel J. Hansen (DJH: 0211)

cc: Garrett W. Swenson, Jr., Esq. (by ecf)